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11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
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14 In re LUMINENT MORTGAGE CAPITAL,)
15 INC., SECURITIES LITIGATION,)

16 This Document Relates To:)

17 ALL ACTIONS.)
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CASE NO. 07-CV-04073 PJH

CLASS ACTION

**[AMENDED PROPOSED] ORDER
GRANTING MOTION BY WILLIAM F.
KORNFELD, JR., FOR APPOINTMENT
OF LEAD PLAINTIFF AND LEAD
COUNSEL PURSUANT TO SECTION
21D OF THE SECURITIES EXCHANGE
ACT OF 1934**

DATE: November 21, 2007

TIME: 9:00 a.m.

JUDGE: Honorable Phyllis J. Hamilton

CTRM: 3, 17th Floor

1 This Court, having considered the amended motion by William F. Kornfeld, Jr. for
2 Appointment of Lead Plaintiff and Lead Counsel Pursuant to Section 21D of the Securities
3 Exchange Act of 1934 (the "Motion"), for good cause shown, hereby orders as follows:

4 **IT IS HEREBY ORDERED THAT:**

- 5 1. Pursuant to §21D(a)(3)(B) of the Securities Exchange Act of 1934, 15 U.S.C.
6 §78u-4(a)(3)(B), William F. Kornfeld, Jr., is appointed Lead Plaintiff for the Class.
- 7 2. Lead Plaintiff's selection of counsel is approved. Pursuant to §21D(a)(3)(B)(V), the
8 law firms of Stull, Stull & Brody and Abraham, Fruchter & Twersky, LLP, are appointed Lead
9 Counsel for the class.
- 10 3. Lead Counsel is vested by the Court with the following responsibilities and duties:
11 a. To coordinate the preparation and filing of a Consolidated Amended
12 Complaint, and any subsequent pleadings;
13 b. To coordinate the briefing and argument of all motions;
14 c. To coordinate and conduct all discovery, pre-trial and trial proceedings for
15 plaintiffs;
16 d. To call meetings of plaintiffs' counsel as they deem appropriate or necessary
17 from time to time;
18 e. To initiate and conduct all settlement negotiations for plaintiffs with counsel
19 for defendants;
20 f. To provide general coordination of activities of counsel on their side and to
21 delegate work responsibilities to selected counsel as may be required; and
22 g. To perform such other duties as may be expressly authorized by further order
23 of the Court.
- 24 4. Lead Counsel shall make all work assignments in such a manner as to conduct the
25 orderly and efficient prosecution of this litigation and to avoid duplicative or unproductive effort.
- 26 5. Defendants' counsel may rely upon all agreements made with Lead Counsel and such
27 agreements shall be binding on all plaintiffs.
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6. No motion, request for discovery, or other pretrial proceeding shall be initiated or served by any plaintiff except through Lead Counsel.

DATED: _____

HONORABLE PHYLLIS J. HAMILTON
DISTRICT COURT JUDGE

Submitted By:

Patrice L. Bishop (182256)
service@ssbla.com
STULL, STULL & BRODY
10940 Wilshire Boulevard
Suite 2300
Los Angeles, CA 90024
Tel: (310) 209-2468
Fax: (310) 209-2087

Jules Brody
SSBNY@aol.com
Howard T. Longman
tvi@aol.com
STULL, STULL & BRODY
6 East 45th Street
New York, NY 10017
Tel: (212) 687-7230
Fax: (212) 490-2022

Jeffrey S. Abraham
jabraham@aftlaw.com
Lawrence D. Levit
llevit@aftlaw.com
ABRAHAM, FRUCHTER & TWERSKY, LLP
One Penn Plaza
Suite 2805
New York, NY 10119
Tel: (212) 279-5050
Fax: (212) 279-3655

Proposed Lead Counsel for Plaintiffs